

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10/027,610	12/19/2001	Chenghui Wang	2001PD4874US01
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REMARKS

Claims 1-20 are pending in this application. In the office action:

- 1) claim 4 was rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. US2002/0127995 (Faccinn et al.) (office action, ¶ 3);
- 2) claims 1, 5, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0110104 (Surdila et al.) (office action, ¶ 5);
- 3) claims 2, 3, 6-10, and 12-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0110104 (Surdila et al.) and U.S. Patent Application Publication No. US2002/0127995 (Faccinn et al.) (office action, ¶ 6);
- 4) claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over published International Application No. WO 0010357 (Haumont et al.) and U.S. Patent Application Publication No. US2002/0120746 (Patil et al.) (office action, ¶ 7); and
- 5) claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0110104 (Surdila et al.) and U.S. Patent No. 6,940,847 (Glitho et al.) (office action, ¶ 8).

Claims 11-16 and 20 have been cancelled, claims 1-10 and 17-19 have been amended, and new claims 22-26 are presented. Reconsideration is respectfully requested.

Prior Art Rejections under §§ 102 and 103

The claims have been amended to more clearly indicate two features of the invention -

(1) a SIP user agent resident in the serving GPRS support node (SGSN) that generates a requests directed to a SIP application server and (2) the capability of initiating a PDP context activation by the SGSN. None of the cited references disclose, teach, or suggest either of these features, nor would it be obvious to modify any of the references to locate a SIP user agent in the SGSN for the purpose of sending SIP requests to a SIP application server from the SGSN or provide an SGSN with the capability of initiating a PDP context activation.

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Rejection of claim 4 under § 102 (office action, ¶ 3)

The cited reference, U.S. Patent Application Publication No. US2002/0127995 (Faccinn et al.), does not disclose initiating a request for a PDP context activation from the SGSN. Rather, the reference discloses initiating the request from the mobile station (MS). The applicant's invention concerns push services, which Faccinn et al. does not address.

Rejection of claims 1 and 5 under § 103 (office action, ¶ 5)

The secondary reference relied upon in the rejection of independent claims 1 and 5 (claim 11 has been cancelled), U.S. Patent Application Publication No. US2002/0110104 (Surdila et al.), does not teach or suggest placing a SIP user agent in the SGSN. Rather, Surdila et al. shows a SIP user agent in the MGCF. There is no teaching or suggestion of whether or how an SGSN would directly request services from a SIP application server. The citation to In re Japikse, 181 F.2d 1019, 86 U.S.P.Q. 70 (C.C.P.A. 1950) does not support a finding that it would have been obvious to locate the SIP user agent in the SGSN, as Surdila et al. does not "provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." M.P.E.P. § 2144.04(VI)(C), quoting, Ex parte Chicago Rawhide Mfg. Co., 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984). Additionally, there is no basis for the assertion that the claimed combination was made merely to "reduce the cost of the system" nor would it lead someone skilled in the art to modify Surdila et al. to achieve the applicant's claimed combination.

Rejection of claims 2, 3, and 6-10 (office action, ¶ 6)

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The claimed combination is not rendered obvious by the secondary reference, Faccinn et al., for the same reasons stated with regard to the rejection of claim 4 above, i.e., Faccinn et al. does not institute a PDP context activation from the SGSN. These reasons applies as well to the limitation of "initiating an operator-owned PDP context activation" (claims 6-10).

Further, pursuant to M.P.E.P. § 2144.03, the applicant disagrees with and objects to the assertion of official notice in support of obviousness. The office action asserts that "a method and system for implementing push services, presence status and push prepaid recharging service at [the] SGSN and said SIP application server are well known and expected in the art at the time [the] invention was made." First, there is no documentary support for this statement as a general proposition. Second, there is no documentary support illustrating that it was well known to provide the claimed services with the claimed apparatus or in the manner of the claimed method. Therefore, the reliance upon official notice to establish obviousness is unsupported and thus inappropriate. Additionally, there is no basis for the assertion that the claimed combination was made merely to "reduce the cost of the system."

Rejection of claims 17-19 (office action, ¶ 7)

The cited primary reference, published International Application No. WO 0010357 (Haumont et al.), does not disclose, teach, or suggest initiation of a PDP context activation by the SGSN. As illustrated in the call flow diagram in Figure 5, the mobile station (MS) sends the initiating request. The operations in the call flow diagram of Figure 6 concern modifications of the existing PDP context and not the initiation of a new context. The assertion that the secondary reference, U.S. Patent Application Publication No. US2002/0120746 (Patil et al.),

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discloses a SIP application server for pushing web pages is not supported by the cited text.

Nor does it disclose, teach, or suggest the claimed method.

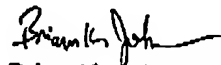
Rejection of claim 20 (office action, ¶ 8)

Since claim 20 has been cancelled, no response is provided to this rejection.

Conclusion

For at least the foregoing reasons, the claims are neither anticipated nor rendered obvious by such art. The applicant believes that he has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call Joel Miller, Esq., Reg. No. 29,955 (973-736-8306) or the undersigned if there are any questions concerning the application.

Respectfully submitted,



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